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October 7, 2019

**VIA CM/ECF**

Hon. P. Kevin Castel, U.S.D.J.  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: Hai v. First Data Corporation, et al., Civil Action No.: 1:19-cv-8332-PKC**  
**Response to Pre-Motion Letter: Motion to Dismiss Counts VIII, IX, & X**

Dear Judge Castel:

This firm is counsel to Hamy Anthony Hai with respect to the above-reference case. Pursuant to the Court's Individual Rules of Practice, Plaintiff notes that the Initial Conference is scheduled for November 4, 2019 at 12:00 p.m.

We write in response to the Pre-Motion Letter filed by counsel for Defendants (Dkt. 9), seeking leave to file a motion to dismiss Counts VIII, IX, and X of the Plaintiff's Complaint (Dkt. 1), and seeking an adjournment of the Initial Conference. In the interest of expediency and to avoid an unnecessary delay at the inception of this proceeding, Plaintiff will consent to voluntarily dismiss Counts VIII, IX, and X of the Complaint without prejudice, subject to a reservation of rights with regard to amendment of the Complaint following completion of discovery on the matter of unpaid wages.

In light of forgoing, no adjournment of the Initial Conference is warranted, and Plaintiff is prepared to proceed on November 4, 2019 as scheduled.

Very truly yours,

*/s/ Lauren M. Paxton*  
LAUREN M. PAXTON

cc: All counsel (via ECF)

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